



## DEPARTMENT OF THE NAVY

NAVY RECRUITING DISTRICT OHIO

P.O. BOX 3990

COLUMBUS, OHIO 43218-3990

NAVCRUITDISTOHIOINST 5800.1E  
011

21 APR 2014

### NAVCRUITDISTOHIO INSTRUCTION 5800.1E

From: Commanding Officer, Navy Recruiting District Ohio

Subj: DISCIPLINARY REVIEW BOARD (DRB)

Ref: (a) Uniform Code of Military Justice (UCMJ)  
(b) Manual for Courts-Martial (MCM)  
(c) JAGINST 5800.7F (Manual of the Judge Advocate General, Para 0110)

Encl: (1) Sample Recommendation Letter  
(2) Sample Suspect's Rights Acknowledgement/Statement

1. Purpose. To establish the Command Disciplinary Review Board (CDRB) to enhance Navy Recruiting District Ohio's effectiveness in dealing with minor deficiencies in behavior and performance per references (a) through (c).

2. Cancellation. NAVCRUITDISTOHIOINST 5800.1D.

3. Discussion. Addressing inappropriate behavior and substandard performance at the lowest appropriate level in the chain-of-command promotes good order and discipline. The DRB provides an effective and impartial forum for resolving minor performance and behavioral related deficiencies, without the necessity of referring all cases to the formal disciplinary system.

4. DRB Composition. A four-member panel whose members are all Chief Petty Officers (E7-E9). This program will ensure maximum utilization of leadership experience. The Command Master Chief (CMC) or Designated Representative chair the DRB. The Chief Recruiter will serve as the expert on recruiting issues (non-voting member) when required due to the nature of the offense. The DAPA will provide input on all drug and alcohol related incidents before the DRB. The CMC will select and assign three additional Chief Petty Officers as voting DRB members. The accused will have a member of their Chain of Command (COC) as a representative.

5. Action

a. Commanding Officer:

(1) Approve or disapprove the Board's findings and recommendations.

b. Executive Officer:

(1) Refer cases after completion of command/preliminary investigations to the DRB as deemed appropriate.

(2) Review the DRB's findings and make recommendations to the Commanding Officer.

c. Department Heads and Division Leading Chief Petty Officers:

(1) The DRB may be used as an alternative to formal disciplinary action when continued, well documented department and/or division counseling appears to be ineffective or when a single event is of a nature that warrants an impartial external to the Chain-of-Command review to determine the most appropriate means to handle the event.

(2) Contact the CMC prior to referring members to DRB, submit corrective action already taken to address the deficiency, identify the desired results and recommend corrective action(s).

(3) Forward documentation concerning the individual's behavior and performance to the CMC no later than two days prior to the DRB.

d. Admin Officer. Obtain member's Service Record for DRB review.

e. CMC:

(1) Upon receiving notification:

(a) Review the package.

(b) Designate the time and location of the DRB.

(c) Assign board members.

(2) Following the Executive Officer's review and Commanding Officer's approval of the DRB's recommendation(s), forward the original to the Legal Officer and provide a copy to the individual's chain-of-command.

f. Chairman and DRB members:

(1) Interview the member, and other personnel as deemed appropriate by the Chairman.

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(2) Forward the DRB's recommendation(s) to the Executive Officer utilizing enclosure (1).

(a) The DRB may recommend formal disciplinary action be taken against the individual. If so recommended, it will also recommend punishment(s). Punitive measures, as defined in Article 15 of reference (a) and Part V of reference (b) are at the discretion of the Commanding Officer.

(b) Non-punitive measures may be recommended by the DRB. Such action will be accomplished at the lowest level in the COC authorized to do so. This adjudication will ordinarily be at the department head level. Non-punitive measures may include awarding Extra Military Instruction (EMI), administrative withholding of privileges such as special liberty, exchange of duty, and special command programs.

g. Chief Recruiter: Provide input on recruiting issues (non-voting member) if required.

h. Legal Officer: Administer enclosure (2) to the accused and attach the completed Article 31b, warning (Military Acknowledgement/Waiver of Rights) form.



JOHN L. NGUYEN

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**SAMPLE**

Date: \_\_\_\_\_

From: Command Master Chief, Navy Recruiting District Ohio  
To: Commanding Officer, Navy Recruiting District Ohio  
Via: Executive Officer, Navy Recruiting District Ohio

Subj: RECOMMENDATION ABF3 DOE, JOHN XXX-XX-1234

Board Chairman: Command Master Chief or Appointed Representative

Members: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

UCMJ Violation(s): Article 92, UCMJ (Failure to Obey Order or Regulation); Article 107 (False Official Statement)

Board Remarks: CMC comments on the DRB findings

Board Recommendations: The boards recommendations

Very respectfully,

SIGNATURE BLOCK

**SAMPLE**

Enclosure (1)

S A M P L E

**SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)**

FULL NAME (ACCUSED/SUSPECT)	SSN	RATE/RANK	SERVICE (BRANCH)
ACTIVITY/UNIT			DATE OF BIRTH
NAME (INTERVIEWER)	SSN	RATE/RANK	SERVICE (BRANCH)
ORGANIZATION		BILLET	
LOCATION OF INTERVIEW		TIME	DATE

**RIGHTS**

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

(1) I am suspected of having committed the following offense(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_ ☐

(2) I have the right to remain silent; - - - - -

☐

(3) Any statement I do make may be used as evidence against me in trial by court-martial, - - - - -

☐

(4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both; and - - - - -

☐

(5) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview. - - - - -

☐

(6) If I decide to answer questions now without a lawyer present, I will have the right to stop this interview at any time. - - - - -

☐

**WAIVER OF RIGHTS**

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that, - - - - -

☐

(1) I expressly desire to waive my right to remain silent; - - - - -

☐

(2) I expressly desire to make a statement; - - - - -

☐

(3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to any questioning; - - - - -

☐

S A M P L E

(4) I expressly do not desire to have such lawyer present with me during this interview; -----

(5) This acknowledgment and waiver of rights is made freely and voluntarily by, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me; and -----

(6) I further understand that, even though I initially waive my rights to counsel and to remain silent, I may, during the interview, assert my right to counsel or to remain silent. -----  
-

NOTE: IF THE SUSPECT INDICATES HE IS WILLING TO MAKE A STATEMENT, HE SHOULD FIRST BE ASKED WHETHER HE HAS MADE A STATEMENT IN RESPONSE TO QUESTIONS ABOUT THE SUSPECTED OFFENSE TO ANYONE HE BELIEVED WAS ACTING IN A LAW ENFORCEMENT CAPACITY PRIOR TO THE PRESENT INTERVIEW. IF THE SUSPECT INDICATES HE HAS PREVIOUSLY MADE SUCH A STATEMENT, ADVISE THE SUSPECT AS FOLLOWS:

(1) Your previous statement may not be admissible at court-martial and may not be usable against you. *(It may be possible to determine whether a previous statement made by the suspect will be admissible at some future court-martial; this suggests it may be wise to treat it as inadmissible and provide the cleansing warning).*

(2) Regardless of the fact that you have talked about this offense before, you still have the right to remain silent now.

(3) *(Continue with the Rights Advisement and Waiver of Rights above).*

SIGNATURE (ACCUSED/SUSPECT)	TIME	DATE
SIGNATURE (INTERVIEWER)	TIME	DATE
SIGNATURE (WITNESS)	TIME	DATE

The statement which appears on this page (and the following \_\_\_\_ page(s), all of which are signed by me), is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

\_\_\_\_\_  
SIGNATURE (ACCUSED/SUSPECT)